

### **REMARKS**

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 10-28 are pending in the application. Several previously presented claims have been amended to better define the claimed invention. New claims 19-28 have been added to provide Applicants with the scope of protection to which they are believed entitled. The specification, title and Abstract have been placed in compliance with commonly accepted US patent practice. No new matter has been introduced through the foregoing amendments.

The objection to the specification is believed overcome in view of the above amendments.

The 35 U.S.C. 102(b) rejection of claims 10-18 as being anticipated by *Trankle* is noted. Applicants respectfully traverse the rejection for at least the following reason(s).

As to **independent claim 10**, the reference of *Trankle* does not teach or disclose the claim feature that the tool swings under its own weight into the locked position. In *Trankle*, the tool, i.e., tape dispenser 11 is locked by the fastening action of the nut 16, rather than by any swinging action of the tape dispenser 11 itself. A person of ordinary skill in the art would understand that no swinging action of the tape dispenser 11 of *Trankle* could lock the tape dispenser onto the support member 17/21.

The arrangement of *Trankle* where fastening of the nut 16 is required for locking the tape dispenser 11 is inferior to embodiments of the claimed invention which permit the tool to be locked simply by allowing it to swing, by gravity, into the locked position. The locking action in embodiments of the claimed invention is much faster than in the art of *Trankle*.

Therefore, no person of ordinary skill in the art would find *Trankle* to anticipate claim 10 as previously presented.

Notwithstanding and solely for the purpose of expediting prosecution, Applicants have amended claim 10 to additionally recite that the claimed tool is a powered tool which effectively avoids anticipation by *Trankle* which discloses a tape fastener which is neither taught nor suggested to be powered. The claim feature finds support in at least paragraph 0001 of the published application.

A person of ordinary skill in the art would recognize that the device of *Trankle* which is for attaching a tape dispenser on a user's wrist is not suitable for a powered tool, and therefore, would not have modified the device of *Trankle* to be used with a powered tool in the presently claimed manner.

For any of the reasons detailed above, Applicants respectfully submit that claim 10, as well as the respective dependent claims, are patentable over the applied art of record.

As to **claim 12**, the applied reference of *Trankle* fails to teach or suggest the claimed opening of an associated elongated shape in a handle of the tool. The claim feature finds support in at least FIG. 2, at 18.

As to **claim 13**, the applied reference of *Trankle* fails to teach or suggest the claimed groove for receiving the handle of the tool. In *Trankle*, due to the presence of the expansible core 21, no groove exist.

As to **claim 20**, the applied reference of *Trankle* fails to teach or suggest the claimed “powered fastening tool for driving plugs into a substrate material.” A person of ordinary skill in the art of fastening tools would understand that such tools should be able to be easily and quickly

Serial No. 10/599,903

removed from a tool attachment and are not suitable for use with the *Trankle* device which requires multiple turns of nut 16 to lock and unlock the tool.

**Independent claim 15** recites, among other things,

a ...catch finger including an end having an elongated cross-section;  
wherein said end is passable through an associated opening of the tool, when  
the tool is in a first position, for permitting the tool to be hooked onto the catch  
finger; and  
wherein said end is impassable through the associated opening of the tool  
when the tool is in a second position after swinging down by gravity from the first  
position, thereby said end preventing the tool from becoming unhooked from the  
catch finger.

For the relevant reason discussed *supra* with respect to claim 1, *Trankle* fails to teach or suggest the tool prevented from being unhooked simply by permitting it to swing down by gravity.

The reference also fails to teach or suggest an end having an elongated cross-section and passable through an associated opening of the tool. The claim feature finds support in at least FIG. 4, at 12/13. In *Trankle*, the only element that might be considered to read on the claimed end of an elongated cross-section is nut 16 which, however, is not passable through any opening of the tool/tape dispenser 11.

For any of the reasons detailed above, Applicants respectfully submit that claim 15, as well as the respective dependent claims, are patentable over the applied art of record.

As to **claims 16-17**, note the discussion *supra* with respect to claim 13.

As to **claims 18-19**, the applied reference of *Trankle* does not teach or suggest the claimed “first and second sections both of which are elongated in cross-section and passable through the opening of the tool; and the first section is pivotable relative to the second section in order to lock the hooked tool in the first and second positions, respectively.” The claim feature finds support in at least FIG. 5, at 12 and 13. Again, the most relevant element of *Trankle* appears to be nut 16 which is both elongated and pivotable. However, there is no other element of *Trankle* that can be read on the claimed second section which is also elongated in cross-section.

As to **independent claim 21**, note the relevant reasons detailed *supra* with respect to claim 15. Further, *Trankle* fails to teach or suggest the claimed tool having an elongated opening.

For any of the reasons detailed above, Applicants respectfully submit that claim 21, as well as the respective dependent claims, are patentable over the applied art of record.

As to **claims 22-25 and 28**, note the relevant discussions *supra* with respect to claims 16-20.

As to **claims 26-27**, *Trankle* does not teach or suggest that the first section is pivotable between the first state and the second state in less than 180 degrees or in about 90 degrees as presently claimed. The claimed arrangement permits the tool to be quickly locked/unlocked, contrary to the multiple-turn fastening action of nut 16 of *Trankle*.

Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

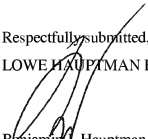
The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

Serial No. 10/599,903

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP



Benjamin J. Hauptman  
Registration No. 29,310

USPTO Customer No. 33712  
1700 Diagonal Road, Suite 310  
Alexandria, VA 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
Date: March 24, 2010  
BJH/KL/tal

**~~ASSEMBLY CONSISTING OF A HAND-HELD TOOL AND AN ATTACHMENT  
FOR HOOKING THE TOOL, AND THE HOOKING ATTACHMENT~~**

Background

The invention relates to the field of hand-held tools operating with any type of power, such as electric power, thermal energy, pneumatic power, etc. following the manual operation, e.g. of a trigger, by an operator. These are essentially fastening tools intended to drive plugs into a substrate material, such as nail drivers, hammers, etc.. It is preferable that the operators do not leave their tools lying around when they are not in use.

The Applicant therefore had the idea of proposing an attachment for fastening a tool of this kind to the belt of an operator.

Summary

The invention therefore relates firstly to the assembly consisting of a hand-held tool and an attachment comprising a loop designed to be threaded on to a belt and provided with a catch finger for the tool, the tool being designed to hook on to the finger in the operating position before being able to swing under its own weight into a position in which locking means prevent it from becoming unhooked from the finger.

The locking means are advantageously provided on the catch finger.

In a preferred embodiment, the catch finger comprises an end designed to be passed through an opening of an associated shape provided in the handle of the tool, the end to be passed through the opening providing a groove for receiving the handle of the tool and forming the means for locking the hooked tool in the position in which it is swung under its own weight.

The end of the catch finger also preferably comprises an end portion mounted to be pivoted into a position for locking the hooked tool in the operating position in case the tool should swing from the position in which it is swung under its own weight in the

opposite direction into the operating position as the result of an unexpected movement by the operator.

The invention also relates by way of an intermediate means to an attachment comprising a loop designed to be threaded on to a belt and provided with a catch finger for a tool, the finger including locking means preventing the tool from becoming unhooked. The catch finger advantageously comprises a groove for receiving the tool, the end of the catch finger comprising an end portion mounted to be pivoted into a position for locking the hooked tool.

### Brief Description of the Drawings

The invention will be more readily understood with the aid of the following description of the preferred embodiment of the attachment of the invention and its method of use, with reference to the accompanying drawings, in which:

Figure 1 is a perspective view of the attachment of the invention and a of tool to be hooked thereon after use;

Figure 2 is a partial, enlarged perspective view ~~on a larger scale of the detail D<sub>2</sub>~~ of Figure 1;

Figure 3 is a perspective view of the attachment with the tool hooked thereon, but in the operating position;

Figure 4 is a view similar to that of Figure 3, but after the tool has been swung under its own weight. and

Figure 5 is a view similar to that of Figure 4, but after locking of the hooked tool.

### Detailed Description

The invention as shown in Figure 1 comprises a loop 1, in this case already threaded on to the belt 2 of an operator who has jiiist finished using a fastening tool 3. The loop 1 is

provided on its external wall 4 with a catch finger 5, in this case extending substantially perpendicularly to this external wall from an anchoring base 6 to an end 7 for passing through the handle of the tool and for locking the tool.

The anchoring base 6 comprises a retaining plate or ring (not visible in the figure) bearing against the internal face 8 of the belt 2 and provided with an anchoring pin 9 driven through an opening 10 provided in the belt.

A groove 11 for receiving the tool is provided between the anchoring base 6 and the end 7 of the finger 5, forming a first stop shoulder together with the end 7 and, more particularly, an internal portion 12.

The end 7 of the finger 5 comprises two portions 12, 13, the internal portion 12 and an external end portion 13 which is mounted to pivot from a passing-through ~~position~~ position, in which its peripheral surface 15 ~~extends that is an extension of the peripheral surface~~ 16 of the internal portion 12 (Figure 4), to a locking ~~position-position~~, in which the two portions 12, 13 are substantially perpendicular to one another, crosswise (Figure 5), in order to form a second stop shoulder. The two portions 12, 13 are formed by two small cylinders formed around the longitudinal axis 14 of the catch finger 5 and having a substantially elliptical section.

The tool to be hooked on to the finger 5 is in this case a fastening tool, well known by the person skilled in the art. This is a hand-held tool comprising a handle 17. An opening 18 is provided in the handle 17, having a shape corresponding to that of the two portions 12, 13 for passing through the opening and for locking the catch finger 5, and having a slightly larger section, precisely so that these finger portions can pass through the opening in the handle of the tool.

Following the description of the attachment and the tool, their use will now be described.

Once the operator has finished using the tool, in order to hook it on to his belt 2, he continues to hold the tool by its handle ~~3, i.e. 17, i.e.,~~ in the operating position (Figure 3), and engages the opening 18 in the handle over the finger 5 by passing the end portions

12, 13 into the opening 18 in the handle of the tool. He then allows the handle to be placed on the groove 11 of the ~~handle~~finger 5, then allows the tool to swing under its own weight, the nose of the tool pivoting downwards.

In this swung position (Figure 4), the hooked tool is locked by means of the internal part 12 of the catch finger as a result of the fact that the opening 18 in the handle 17 has also pivoted through substantially  $90^\circ$  relative to this internal end portion 12, wherein the handle can come to a stop against it in the first stop shoulder 11, 12, which prevents it from becoming unhooked. The operator then pivots the external end portion 13 through  $90^\circ$  relative to the internal portion 12 (Figure 5). In this manner, even if the tool were to swing again in the opposite direction into the operating position as the result of an unexpected movement by the operator and the opening 18 in the handle 17 were to pass once again over the internal portion 12 of the catch finger 5, the handle 17 would come to a stop against the external end portion 13 in the second stop shoulder 12, 13, the opening 18 remaining substantially perpendicular to this external portion 13. The tool 3 hooked on to the finger 5 would continue to be locked.